

II. REMARKS

Claim Status

Claims 1-20 are pending and subject to restriction.

Restriction Requirement

The Examiner has required restriction under 35 U.S.C. 121 to one of the following inventions:

Group I. Claims 1-7, 19-20 drawn to a method of delivering a cosmetic or skin care product to its site of use comprising combining the cosmetic or skin care product with a film forming polymer selected from liquid soluble polymers with or without low-temperature melt polymers, classified in class 424, subclass 401.

Group II. Claims 8-18 drawn to a light weight cosmetic or skin care product in the form a sheet comprising combining a film forming polymer selected from a liquid soluble polymer with or without a solid polymer, classified in class 424, subclass 401.

The Examiner has required restriction between process and product claims. Inventions of Groups I and II are related as cosmetic composition comprising polymers and method of delivering cosmetic or skin care products comprising polymers.

Applicant traverses this requirement insofar as it groups the product-by-process claims with the process claims. Although claims 19 and 20 define a product by the process of making they are product claims and as such applicant believes are properly included in group I.

As noted by the examiner, where applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim will be rejoined as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier.

The examiner states that the application contains claims directed to patentably distinct species of the claimed invention and requires election of a species of the liquid soluble polymer (for example pullulan) and a species of the low-temperature melt polymer in response to this office action.

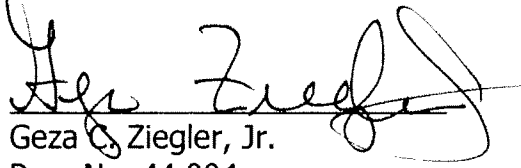
Applicant traverses this basis for election.

The invention does not necessarily comprise a combination of a liquid soluble film and a thermally degradable film. As stated in paragraph 009 of the application the solid film is either a liquid soluble ... or a thermally degradable thin film ...". In actuality the thin film may be both liquid soluble and thermally degradable but it will still be a single film identified by its name. Therefore election of a species of each type of film is not relevant or practicable.

Applicant elects Group I, the product claims comprising claims 8-18 [and also 19 and 20] and elects as a species, pullulan as the thin film. Claims which read on pullulan are claims 8-18 [and 19-20].

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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9 April 2007
Date

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